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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX)	MDL CASE NO.: 05-CV-1699
MARKETING SALES PRACTICES AND)	
PRODUCT LIABILITY LITIGATION)	
_____)	
)	
ANNEN, et al.,)	CASE NO. CGC-06-456869
)	MDL Case No. 07-0953 CRB
)	
Plaintiffs,)	STIPULATION AND ORDER OF
)	DISMISSAL WITH PREJUDICE
vs.)	AS TO PLAINTIFF THELMA CUMMINGS
)	
PFIZER, INC., et al.)	
)	
Defendants.)	
)	
_____)	

COME NOW, Plaintiff THELMA CUMMINGS and Defendants PFIZER, INC., et al., by
and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
AS TO PLAINTIFF THELMA CUMMINGS**

1 and hereby stipulate to the dismissal of Plaintiff THELMA CUMMINGS from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.

3
4 Respectfully submitted,

5 Dated: September 24 2009

6 **KABATECK BROWN KELLNER LLP**

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8 By: 

Brian S. Kabateck, Esq.

Attorneys for Plaintiff THELMA CUMMINGS

9
10
11 Dated: October 27, 2009

DLA PIPER LLP

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13 By: /S/

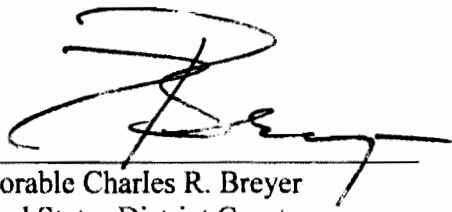
Matthew A. Holian

Attorney for Defendants PFIZER, INC., et al.

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15
16 **ORDER**

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18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

20
21 Dated: OCT 29 2009

22 
23 Honorable Charles R. Breyer
24 United States District Court